SHRI CHINTA MOHAN: We will definitely instruct the chemical companies to take all possible measures and we will also advise the Ministry of Surface Transport to see that the name of the chemical that is being transported is displayed.

DR. RAJA RAMANNA: The question of transport of chemicals is a well-studied subject in the west. There have been many international conferences where it has been discussed as to what is to be done in the case of each chemical. The problem in this country is how to implement it. That is where we fail. I would like to know from the Minister whether these things are implemented according to international rules. That is the crux of the matter. What does he propose to do about it?

SHRI CHINTA MOHAN: Sir, the Indian roads cannot be compared to international standards. But we have always tried to improve the roads and the suggestions given by Dr. Ramanna will be considered.

MR. CHAIRMAN: Q. No. 403.

**Failure to deposit Provident Fund Drugs by Dunlop India Limited**

*403. SHRI SARADA MOHANTY: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that dues amounting to lakhs of rupees are pending with Dunlop India Limited which are to be deposited with the concerned Regional Provident Fund Commissioner as Provident Fund dues of its employees;

(b) if so, the details thereof; and

(c) what action Government propose to take for the recovery of the said dues?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SING GHATOWAR): (a) to (c) A Statement is laid on the Table of the House.

**Statement**

Till December 16, 1991, an amount of Rs. 37.60 lakhs has been deducted by M|s. Dunlop India, Calcutta, in respect of the provident fund dues of employees of their contractors in West Bengal. In view of orders of stay of the Calcutta High Court in a writ petition (CWP 10527|84 dated 24.7.1984), M|s. Dunlop India could not deposit the amount collected with the Provident Fund but as per orders of the Court have been depositing this amount in a specified account of the State Bank of India, Calcutta. The above writ petition was filed by some contractors of M|s. Dunlop India challenging the powers to recover such dues from contractors employees under the Employees Provident Fund & Miscellaneous Provisions Act, 1952. But in respect of about 9000 of their regular employees in West Bengal, M|s. Dunlop India have been regularly depositing the Provident Fund Collections.

The Regional Provident Fund Commissioner, Calcutta has filed an affidavit in the Calcutta High Court opposing the above stay order. It is learnt that the writ petition was listed for hearing recently but the hearing could not take place.

SHRI SARADA MOHANTY: Sir, I want to know from the Ministry whether Dunlop India Limited has got offices or branches throughout India or only at Calcutta. That is the first part of my question. The second part is, will the Minister state the amount of dues that Dunlop India Limited has to pay towards the provident fund of their employees for the last five years? The 'C' part of my question is whether any action is being taken against them by the Provident Fund Commissioner to recover the dues.

SHRI PABAN SING GHATOWAR: Sir, Dunlop India Limited has two factories. One factory is in Tamil Nadu and another in West Bengal. As a provident fund contributor, Dunlop India Limited is regularly depositing the money with the provident fund authorities. There is no case of default from the side of Dunlop India Limited.

SHRI SARADA MOHANTY: There are cases that about some lakhs of rupees are pending with the Dunlop India Limited towards payment of provident fund. My second supplementary is, will the Government take any action against the company for not paying the provident fund to their employees and whether they would enact laws for the same?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI P. A. SANGMA): My colleague has already answered that. As far as Dunlop India Limited is concerned, they have two types of workers. Six thousand of them Limited. Two thousand five hundered are directly employed by Dunlop India are employed by the contractors of Dunlop India Limited. As far as their direct employees are concerned, there are no defaults. They are paying it regularly. The problem is from the employees of the contractors. Since the contractors were not paying the provident fund, the Provident Fund Commissioner directed Dunlop India Limited to recover that money from the bills. Accordingly a sum of Rs. 37 lakhs was deducated from their bills and it was to be deposited with the Provident Fund Commissioner. In the meantime the contractors went to court, the Calcutta High Court and got a stay order saying that this money need not be deposited with the Provident Fund Commissioner but it should be kept with the State Bank of India under a separate account. So, as per the directive of the Supreme Court, the money is being kept in the State Bank of India. So the money has been recovered from them. And there is no question of taking any action at this stage. It is a question of waiting for the final judgement of the Calcutta High Court.

SHRI SUKOMAL SEN: Here is another case of defaulting employers going to the High Court and taking shelter. The question is about the contract employees of the Dunlop India Limited. May I know from the hon. Minister—since it is a common case—before saying that the employees take shelter of the Court and obtain stay order, whether the Government is thinking of amending the law itself to prevent the delinquent employers from taking shelter of the High Court so that the money is really paid?

SHRI P. A. SANGMA: Sir, it is a difficult question. The only way is to take out the powers of the High Courts and the Supreme Court and I don't think I can make any comment on that. As long as the judiciary—the highest judiciary of the country—the Supreme Court or the High Court has jurisdiction...

MR. CHAIRMAN: He wants you to amend the Provident Fund Act.

SNRI P. A. SANGMA: We would like into this suggestion.

श्री सत्य प्रकाश मालवीय : सभापति जी, डनलप इंडिया लिमिटेड कंपनी के कितने ऐसे पूर्व कर्मचारी हैं, जिनके प्राविडेंट फंड के क्लेम्स पेंडिंग हैं? वे कितने दिनों से पेंडिंग हैं और कब तक इस मामलों को सेटल कर दिया जायेगा?

श्री पी० ए० संगमा : मैंने पहले ही बताया है कि डनलप इंडिया लिमिटेड का कोई केस पेंडिंग नहीं है। जिनके पेंडिंग हैं वे कांट्रक्टर के इम्पलाईज हैं। उनके केस पैंडिंग हैं। लेकिन वह पैसा...

SHRI SATYA PRAKASH MALAVIYA: My question is about the Dunlop India Limited which has not paid the Prodent Fund Act to recover that money and about the present employees, but about the previous employees.

SHRI P. A. SANGMA: I am informed that only one case has come to our notice and even that case is pending with the Court.

MR. CHAIRMAN: Shri Jaipal Reddy... (*Interruptions*) Your leader is on his legs.

SHRI S. JAIPAL REDDY: I would like to know from the Minister as to why the stay order obtained by the contractors way back in 1984 has not been got vacated during the last seven years. What has

the Department done to get the stay order vacated? The second part of my question is as to what the Department proposes to do to see that this malpractice of dividing the same employees into two categories, as regular employees of the company and employees of the contractors is removed. This is a general practice. This is a widespread malpractice. Will the Minister kindly answer both these questions?

SHRI P. A. SANGMA: There are two types of employers. No doubt about it. As far as we are concerned, the hon. Member is correct. We hold the principal employer responsible. that responsibility is there. And it is precisely because of this reason that we have directed the Dun lop India Limited to exercise its power under Section 8 of the Employees Provident Fund Act to recover that money and that money has been recovered. There is no problem reparding this. The money is there and it is deposited with the bank. The only thing is...

MR. CHAIRMAN: Employees are not getting it.

SHRI P. A. SANGMA: Regarding the cases which are still pending we cannot transfer that money from the bank to the Provident Fund Account. This is one thing. As far as the pending cases are concerned, I think the hon. Member is aware as to how the cases are fought in the Court. I have a long chronology of the dates of these cases.

MR. CHAIRMAN: What will you do to expedite the cases which have been pending during the last seven years?

SHRI P. A SANGMA: I may inform the House that today the High Court is giving a final hearing.

SHRI S. JAIPAL REDDY: What have you been doing in the last seven years?

MR. CHAIRMAN: what have you been doing? How have you been approaching the Court?

SHRI P. A. SANGMA: We have been fighting. We have been persuing the case with the Court. For one reason or the other, if the cases are adjourned and the next date is fixed, we have very little to say in that. As the honourable Member knows we all are experiencing difficulties. The cases are pending in court.

SHRI V. NARAYANASAMY: We all know the problem of growing provident fund arrears. The arrears due from the employers amount to more than Rs. 228 crores. It is a good scheme that the honourable Minister has announced. The power that was given to the State Governments to recover the amount from the employers has been taken over by the Labour Ministry because of the difficulties involved. Now the employees' provident fund dues have been deposited in the bank. Now some of the employees, because they are the contractor's employees, go out of job. What remedy does the Minister have for the benefit of such employees who go out of job?

SHRI P. A. SANGMA: What the honourable Member has said is very right. When somebody goes out of job, his accounts must be settled. But in this particular case we cannot do anything because we have not got the money; the High Court case is still pending. However, when such cases come to our notice, we shall certainly look into them.

**Sustaining loss by Paradip Phosphate Ltd.**

*404. SHRI PRAVAT KUMAR SAMANTARAY:†
SHRI SARADA MOHANTY:

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact thaat Paradip Phosphate Ltd., a joint venture of Government of India and Republic of Nauru has sustained a cumulative loss of Rs. 139 crores in five years of its commission;

(b) whether the reasons behind this loss has been enquired into and whether Go-

*The question was actually asked on the floor of the House by Shri Pravat Kumar Samantaray.